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SUMMARY RECORD OF THE 433rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 January 1998, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Libyan Arab Jamahiriya (CRC/C/28/Add.6; HRI/CORE/1/Add.77; CRC/C/Q/LIBYA/1)

1. At the invitation of the Chairperson, the delegation of the Libyan Arab Jamahiriya resumed their places at the Committee table.

2. Mr. OUATEEN (Libyan Arab Jamahiriya), replying to questions raised at the previous meeting, said that in the Jamahiriya, in accordance with the law and the Shariah, women fully enjoyed all their rights and were not subject to what was known as discrimination in the West. It could even be said that women held a privileged place in society.

3. In the people's congresses, women like men participated in the taking of political decisions. Although such women's organizations as the General Women's Union, which depended on the General People's Congress and implemented social programmes on behalf of women and children did exist in the Jamahiriya, there were no organizations which specifically defended the rights of women, since women did not suffer from discrimination and that kind of organization therefore served no purpose.

4. Mrs. EL SHELLI (Libyan Arab Jamahiriya) said that women were equal to men in the Jamahiriya, especially in the areas of health and education. In all sectors, women filled high positions, and there were, for example, women lawyers and pilots. It was also worth noting that the Jamahiriya had acceded to the Convention on the Elimination of All Forms of Discrimination against Women.

5. Mr. MOHSIN (Libyan Arab Jamahiriya), replying to a question posed at the previous meeting, said that most of the legislative measures that had been proposed at the Beijing Conference were already established in Libyan legislation. The Jamahiriya had also taken into account and implemented other proposals made at that Conference. Furthermore, students in basic, secondary and higher education were permitted to express their views at student congresses, in accordance with their degree of maturity and knowledge. In addition, the Education, Youth, Scientific Research and Vocational Training Secretariat took part in the implementation of the Convention. Educational curricula endeavoured to instil in students a positive attitude toward the rights set out in the Convention, which was explicitly mentioned in courses and was distributed to teachers in the form of a manual.

6. Mr. OUATEEN (Libyan Arab Jamahiriya) said that the first article of the 1991 Promotion of Freedom Act was devoted to equal rights for the citizens of the Jamahiriya, men and women alike. That law was designed to protect women's rights and, in particular, to ensure their participation in political life. Those rights were also enshrined both in the Shariah and in other domestic laws.

7. Mr. AL AWAD (Libyan Arab Jamahiriya) said that the concept of the traditional or extended family was changing throughout the developing countries of Asia and Africa, and that women were playing an increasing role in basic decision-making. That change was partly attributable to educational advances in all social sectors, urban and rural. The Jamahiriya currently had 1,300,000 schoolchildren, with equal numbers of boys and girls. Even in rural areas, fathers no longer prevented their daughters from attending school, and on the contrary urged them to obtain an education. In addition, 48 per cent of secondary school students were girls, and some university faculties had more girls than boys. The communications media had also played a part in the evolution of the Libyan family. The Government's social policy encouraged women to play a full role in society.

8. Mr. OUATEEN (Libyan Arab Jamahiriya) said that in the Libyan Arab Jamahiriya, the right to life was recognized and guaranteed by law. With regard to whether children exercised their rights in everyday life, it should be noted that children participated in school meetings concerning curricula and programmes, and that parents were encouraged to provide their children with the best education possible.

9. Reverting to the question of discrimination between legitimate and illegitimate children, he stressed that equal rights were guaranteed to all children from birth, and that the Libyan authorities took care to ensure that illegitimate children placed in specialized institutions were accorded full equality under the law.

10. Mrs. KARP said she would like clarifications on the reply to question No. 19 of the list of issues (CRC/C/Q/LIBYA/1), and inquired whether the law established that a child had the right to be heard in proceedings that concerned him, and whether the relevant measures, if any, were always applied. Were the views of the child considered before a decision was taken to place him in an institution, to remove him from school for disciplinary reasons, or to arrange an early marriage? In many cultures, if a child expressed a view that was different from that of his parents, they later considered it a lack of respect. What was the case in the Libyan Arab Jamahiriya? Were there parent education programmes to familiarize parents with the idea that children should participate in family decisions? Lastly, she inquired whether a guardian found guilty of inflicting abuse on a child in his care which resulted in death was more or less heavily punished than a person found guilty of the homicide of a child who was not in his care.

11. Mr. KOLOSOV, reverting to the matter of illegitimate children, said that even the use of the term "illegitimate" ran counter to the spirit of the Convention. Consequently, if that term was still employed in Libyan legislation to designate a child born out of wedlock, the authorities should take the necessary steps to bring domestic legislation into conformity with the terms of the Convention. Furthermore, with regard to civil and political rights, the fact that Libyan legislation guaranteed to children the full enjoyment of all their civil rights under the Convention did not necessarily imply that those rights were not violated in practice. What measures, therefore, were taken to prevent and punish violations of children's civil and political rights?

12. Mrs. PALME inquired how the resolutions passed at the Fourth World Congress on Women, held in Beijing, were regarded in the light of traditional Libyan values. She stressed the need for equality (and not just equity) between men and women, so that young girls could identify with a female model enjoying full equality of rights.

13. Mrs. OUEDRAOGO, referring to Libya's reply to question No. 21 of the list of issues, asked whether there was a body to which children who had been subject to corporal punishment could submit complaints. No mention had been made in the reply of any prohibition against corporal punishment in prisons. Did that mean that corporal punishment of young detainees was permitted? Furthermore, she would like clarifications with regard to paragraphs 53 to 57 of the report, in the section entitled "Application of the provisions of the Convention in other areas", which simply listed the international instruments that the Libyan Arab Jamahiriya had ratified.

14. With regard to the right to a name and the right to acquire a nationality, she would like to know what measures had been taken to ensure that all children were registered at birth, including in rural areas, and what the status was of foreign children and children of mixed couples. Lastly, she asked whether the fact that the right to freedom of expression was respected except when that freedom constituted a danger to public safety did not imply a limitation on that right.

15. Mr. OUATEEN (Libyan Arab Jamahiriya) said that early marriages could take place only with the consent of both parties and that marriage was never an obligation. Furthermore, persons who inflicted corporal punishment were sanctioned in accordance with the law, which was based primarily on the Shariah. Although crimes committed against children were rare, under the terms of the Penal Code, those found guilty of such crimes always received punishments that were proportionate to the severity of the offence.

16. With regard to nationality, any child born of a Libyan father was automatically granted Libyan nationality, and the Libyan Arab Jamahiriya did not permit dual nationality, so as to protect the unity of the family. In addition, a child born in the Jamahiriya of foreign parents could, at the request of his parents or his legal representative, obtain Libyan nationality if he satisfied the requirements established by law.

17. Mr. AL AWAD (Libyan Arab Jamahiriya) said that domestic law made no distinction between girls and boys. Attitudes were rapidly changing, as shown by the increasing numbers of parents who wanted their daughters to go on to higher studies. The Libyan delegation would transmit the Committee's views to the Government concerning so-called "illegitimate" children, namely, that another term should be used to describe them, and that they should enjoy the same rights as other children.

18. All acts of child abuse were criminal offences under the law: for example, any person found guilty of raping a child was liable to a prison sentence of up to 15 years. With regard to the matter of early marriage, any young person whom parents tried to force to marry could appeal to the Social Welfare Bureau, which would intervene to prevent the marriage. The courts could likewise annul a marriage that had been contracted against the wishes of

either of the two spouses. Furthermore, a child could not be expelled from school unless he had committed an offence which was seriously detrimental to the school or to the best interests of other pupils. With regard to freedom of expression, children could freely express their views within the family, and parents were expected to take their wishes into account.

19. With reference to children of mixed marriages, the Jamahiriya had concluded an agreement with the United Kingdom, under the terms of which a British parent could visit offspring living in the Jamahiriya, and a Libyan parent could likewise travel to the United Kingdom to visit any offspring residing there. The Libyan Arab Jamahiriya wished to conclude agreements of that type with other countries, in particular the United States of America. It was absolutely forbidden to inflict corporal punishment on a child in the Jamahiriya, whether at home or in school. Any child who was the victim of such an action could complain to the police or to the Social Welfare Bureau, which would take appropriate measures as prescribed by the law.

20. Mr. MOHSIN (Libyan Arab Jamahiriya) said that no amount of legislation could convince parents to take into account the views of their children in the home; what was needed was education and awareness-raising. A child could not be prevented from attending a school unless his presence might endanger the best interests of other schoolchildren. Furthermore, children who were mentally or physically disabled were enrolled in special establishments, which also provided free compulsory schooling. After having consulted the parties concerned, and in particular women and women's organizations, the Jamahiriya had entered reservations to the Convention with regard to those provisions which were incompatible with the Shariah and the Libyan Constitution.

Family environment and alternative care (Question Nos. 24 to 29 of the list of issues (CRC/C/Q/LIBYA/1))

21. The CHAIRPERSON inquired what measures were taken to assist girls who were victims of rape, and what were the social and psychological consequences of that crime on such girls, in particular with regard to marriage.

22. Mrs. KARP asked whether corporal punishment was prohibited elsewhere than at home or in school, and what remedies were available to abused children. She would also like to know what measures were taken to combat domestic violence, especially incest. Were police, judges and social workers trained in handling the matter of domestic violence? And were there programmes to assist children who were victims of such practices?

23. Mrs. MOKHUANE commended the Libyan Government for having allowed divorced non-Libyan parents to visit their children living in the Jamahiriya. On the other hand, the fact that a Libyan woman married to a non-Libyan man could not pass her nationality to her children amounted to discrimination against those children. She inquired whether such children were at a disadvantage with respect to inheritance.

24. Mr. OUATEEN (Libyan Arab Jamahiriya) said that in the Jamahiriya a child acquired the nationality of his father; in view of the right of all persons to a nationality, Libyan law endeavoured in that way to eliminate cases of statelessness. Children born to a Libyan mother and a non-Libyan father, and

who therefore had no right to Libyan nationality, could nonetheless inherit from their mother, since, in accordance with the Islamic Shariah, inheritance laws did not depend on nationality.

25. In the Jamahiriya as in all societies, cases of violence, incest or rape occurring in the home were usually neither reported nor prosecuted. When a complaint was submitted to a court, however, it was carefully examined, and the sanctions applied were intended to have a deterrent effect. In cases of rape, which were fortunately very rare, the offender was punished and sometimes obliged to marry his victim. A girl or woman who had been raped was no longer socially ostracized because she was acknowledged to be a victim. She could be helped by psychologists, and could thereafter live a normal life and raise a family.

26. Mrs. OUEDRAOGO, noting that paragraph 68 of the initial report made no mention of children, inquired what measures were taken to protect a child's right to privacy in the Libyan Arab Jamahiriya, and what problems had been encountered in that regard. Furthermore, with reference to paragraph 76 of the initial report, she inquired what concrete measures were taken to ensure that working women could breastfeed their children: did they receive maternity leave or were they allowed nursing breaks from work? Given the need to integrate Libyan women into the employment sphere, and to accord them a place in the development of the country, that was an important question. On the other hand, the fact that, under article 61 of Act No. 10 of 1984, a mother was obliged to nurse her child without payment so long as she was under the matrimonial authority of the child's father, appeared to run counter to the principle of equality between men and women.

27. With regard to the right to nurturing, discussed in paragraph 77 of the report, the provision of Act No. 10 of 1984, whereby child-rearing was considered a right that a husband could demand of his wife during marriage and a wife's obligation until a son attained the age of majority or a daughter married, appeared discriminatory, and contravened article 18 of the Convention. It was surely the responsibility of both parents to raise a child and neither parent was entitled to impose an obligation of any kind on the other parent. In addition, with regard to the statement in paragraph 79 of the report according to which mothers were entitled to a grant equivalent to 100 per cent of their hypothetical income for a full three months before and after confinement, she would like to know precisely what was meant by "hypothetical income", and what was the situation regarding women at home and indigent women. Were such women granted maternity benefits? Lastly, could details be provided concerning polygamy and family planning, matters which were not mentioned in the report?

28. Mrs. KARP, reverting to the question of violence in the family, said that while it was important to sanction those who committed violent acts, it was just as essential to assist the victims of such acts. She would like further details, in particular regarding what specific forms of assistance were available in the Jamahiriya. Were there shelters that provided care to battered women and abused children? Had counselling and support programmes been set up? Were there social workers and psychologists specialized in assisting traumatized children?

29. Mrs. PALME commended the Libyan Arab Jamahiriya for the considerable and rapid progress it had made in the area of health and education. She would nonetheless like to know whether difficulties remained, and if so, what was being done to resolve them. She would also like to know more about nutrition problems, as well as about female mutilation, which was apparently still practised in some remote areas of the country.

30. Mrs. MBOI requested clarification on three points. First, with regard to the written reply to question No. 33 of the list of issues, which indicated that no cases of children with HIV/AIDS had been reported, she said it was difficult to be certain without a systematic screening. In any event, the Government should concern itself with children whose parents were infected with HIV/AIDS: did such children suffer exclusion and what happened to those who were orphaned? What proportion of women of child-bearing age were infected with HIV/AIDS? Secondly, she was pleased to learn that, among children, the rate of acute malnutrition, at about 4 per cent, was relatively low, although it was worth noting that the chronic malnutrition rate, at about 15 per cent, was higher. The authorities should seek a breakdown in malnutrition statistics to reflect differences between boys and girls, and between rural and urban children, so as to allow for better follow-up. Thirdly, she was pleased to note that the health of adolescents was generally satisfactory, but regretted that nothing had been said about problems common to that age group, such as suicide, alcoholism and early pregnancy. Those problems, which were often due to social change and growing urbanization, affected young people all over the world, and surely to some extent Libyan children as well. It was important both to enact appropriate legislation and to conduct concrete programmes to ensure the prevention and treatment of problems affecting the health of adolescents.

31. Mrs. MOKHUANE requested statistics concerning mentally disabled children, in particular those in institutions. What were the most common causes of mental disability or retardation? More information would also be useful with regard to training, especially cognitive training, for retarded and mentally disabled children, as well as with regard to training for specialized teachers.

32. Mrs. PALME thanked the delegation for the information it had provided concerning care for institutionalized disabled persons. More information would, however, be useful concerning measures taken to assist handicapped children living with their families and to encourage their integration into the local community.

33. The CHAIRPERSON said that the Libyan delegation would be invited to answer the additional questions raised by Committee members at the following meeting.

The meeting rose at 5 p.m.